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COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS

Sub-Committee of Experts on the Transport of Dangerous Goods
(Fourteenth session,
Geneva, 8-18 December 1997,
agenda item 2 (d))

DRAFT AMENDMENTS TO THE MODEL REGULATIONS ON THE TRANSPORT OF DANGEROUS GOODS

Other draft amendments

Proposal to amend Chapter 3.4

Transmitted by the European Confederation of Paint, Printing Ink and Artists' Colours Manufacturers' Association (CEPE)

Introduction

At the thirteenth session of the Sub-Committee, CEPE proposal ST/SG/AC.10/C.3/1997/5 was considered and CEPE was invited to submit further justification for its proposal.

It is not possible for industry to comply with a wide and varied set of legislative and commercial requirements for information provision on small packagings of dangerous goods that are not subject to the limited quantity provisions of Chapter 3.4. A major problem is the requirement for transport labelling and IMDG Code marine pollutant marking. The dilemma faced by industry is very succinctly summed up by the English saying "You cannot get a quart (1.136 Litres) into a pint (0.568 Litres) pot". CEPE proposes to resolve this problem through the use of the existing Limited Quantity provisions of Chapter 3.4, and in particular 3.4.6.

Chapter 3.4 provisions serve a number of purposes, some of which are unintentional:

- It permits the legal transport of goods where packagings conforming to the requirements of Chapter 6.1 are either not available or are not commercially acceptable to the consumer.
- It permits the legal transport of goods in those parts of the world where packagings conforming to the requirements of Chapter 6.1 are not readily available.
- Supply labelling can be applied to the inner receptacle and transport labelling to the outer packaging where space is limited on small packagings. (See Annex 1 (A) DPD Article 8 (5)).

Regulatory and commercial information that has to be provided on small packagings includes:

- Health and Safety for Supply regulatory information (See Annex 1 (A))
- Transport regulatory information (See Annex 1 (B))
- Packaging content legislation
- Instructions for use
- Commercial information
- EPOS (Electronic Point Of Sale) bar-coding for retail products

(Annex 1 of this proposal contains the text from relevant European Union Directives purely as an example of the types of legislation that industry has to comply with.)

If industry wishes to use packagings conforming to Chapter 6.1, the full requirements of the applicable regulations have to be complied with, particularly the requirement for transport hazard labelling and marine pollutant marking (See Annex 1 B), together with the wider requirement for information provision. The derogations in Section 3.4.6 of the model regulations are only available if, as for example in the IMDG Code, these packagings are transported as inner receptacles placed in suitable outer packagings, or in shrink-wrapped or stretch-wrapped trays. Packagings conforming to Chapter 6.1 are performance tested and such requirements are anomalous.

Industry is under pressure to make more efficient use of resources, and to reduce the unnecessary use of secondary or tertiary packaging (See Annex 1 A (2)). In some parts of the world, small packagings conforming to Chapter 6.1 are now becoming available and are viable economic alternatives to the use of Limited Quantity provisions as currently contained in Chapter 3.4. However their use is precluded due to the legislative and commercial requirements for the information that has to be provided on the packaging.

Annex 2 contains an illustrated example of the solution of the problem by this proposal based on the proverbial pint pot (500 ml lever lid tin). The example used is a tin of decorative (retail) gloss paint based on white spirit, which would be a marine pollutant under the IMDG Code. Such a tin would have gross external dimensions of 89mm diameter by 100mm height, which would give an area on the tin of 270mm by 93 mm for information provision. The top example is based on existing legislative requirements which leaves no space for the commercial information on the packaging, and this could normally be expected to account for about 50% ±10% of the available area. The bottom example is based on the application of this proposal.

Proposal to amend Section 3.4.2

Replace the existing text of 3.4.2 with the following:

3.4.2 Dangerous Goods shall be packed in either:

3.4.2.1 Inner packagings placed in suitable outer packagings. However the use of inner packagings is not necessary for the transport of articles such as aerosols or "receptacles, small, containing gas". The packagings shall meet the provisions of 4.1.1.1, 4.1.1.2 and 4.1.1.4 to 4.1.1.8 and be so designed that they meet the construction requirements of 6.1.4. The total gross mass of the package shall not exceed 30 kg; or

3.4.2.2 Packagings conforming to the provisions of Chapter 6.1 and of a design type successfully tested in accordance with the requirements laid down in 6.1.5.

Justification

This proposal seeks to permit industry to comply with a wide variety of legislation and to make the most efficient use of the space available on small packagings for the provision of commercial and legislative information.

* * * * *

Annex 1

A

(1) Council Directive 88/379/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to the classification, packaging and labelling of dangerous preparations (DPD)

Article 7

1. The following information shall be clearly and indelibly marked on the package:

- The trade name or designation of the preparation;
- The name and full address including the telephone number of the .....
- The symbols, where specified .....
- Standard phrases indicating any special risks arising from such dangers (R phrases)
- One or more standard phrases indicating the safety advice ..... (S phrases)
- The nominal quantity (nominal mass or nominal volume) of the contents in the case of preparations sold to the general public

Article 8

1. .....The dimensions of the label shall be as follows: (provision of Health & Safety information)

Capacity of the package not exceeding 3 Litres at least 52 x 74 millimetres

5. For the purpose of this Directive, labelling requirements shall be deemed to be satisfied:

(a) In the case of an outer package containing one or more inner packages, if the outer package is labelled in accordance with international rules on the transport of dangerous preparations and the inner package or packages are labelled in accordance with this Directive.

(2) European Parliament and Council Directive 94/62/EC on packaging and packaging waste

Introductory text:-

"Whereas the best means of preventing the creation of packaging waste is to reduce the overall volume of packaging;"

Article 3

1. 'Packagings' consist only of :

(a) sales packaging or primary packaging, i.e. packaging conceived so as to constitute a sales unit to the final user or consumer at the point of purchase;

(b) grouped packaging or secondary packaging, i.e. packaging conceived so as to constitute at the point of purchase a grouping of a certain number of sales units .....;

(c) transport packaging or tertiary packaging, i.e. packaging conceived so as to facilitate handling and transport .....

4 'prevention' shall mean the reduction of the quantity and of the harmfulness for the environment of

- materials and substances contained in packaging and packaging waste,
- packaging and packaging waste at production process level and at the marketing, distribution, utilization and elimination stages.

B

(1) United Nations Model Regulations on the Transport of Dangerous Goods

5.2.1.1 Unless provided otherwise in these regulations, the proper shipping name for the dangerous goods as determined in accordance with 3.1.2 and the corresponding UN Number preceded by the letters "UN" shall be displayed on each package. .....

5.2.2.1.2 Where articles or substances are specifically listed in the Dangerous Goods List, a danger class label shall be affixed for the hazard shown in column 3 of the List ..... unless qualified by a special provision.

5.2.2.2.1.1 Labels shall be in the form of a square set at an angle of 45 ° (diamond-shaped) with minimum dimensions of 100 mm by 100 mm, except in the case of packages of such dimensions that they can only bear smaller labels .....;

(NOTE: No indication is given as to the minimum size of label required for small packagings, but one authority interpreted this as being as large as could possibly be fitted on to the packaging.)

3.4.6 Packages of dangerous goods transported according to this Chapter need not be labelled. (Dangerous Goods packed in Limited Quantities)

(2) IMDG Code _ General Introduction, sections 18 and 23, re Marine Pollutants

23.5.5 The marine pollutant marking requirements of sections 7 and 8 of this general introduction should not apply to:

.1 packages containing marine pollutants **in inner** packagings with contents of :

- 5 litres or less for liquids; or
- 5 kg or less for solids and

.2 packages containing severe marine pollutants **in inner** packagings with contents of :

- 0.5 litres or less for liquids; or
- 500 grams or less for solids.

18.7.1 Packages of dangerous goods transported in accordance with the special requirements of this section: (Dangerous Goods packed in Limited Quantities)

.1 need not be labelled or bear the marine pollutant mark;

UN1263
PAINT

Anypaintco Gloss Paint

For use on: Wood or metal
Coverage: 500 ml covers up to 5m²
Drying Times: Touch dry in 4 hours*
Overcoating Time: Overcoatable in 16 hours*
Brush cleaner: White spirit
* Under normal conditions

SURFACE PREPARATION:
Ensure that all surfaces are in good condition, clean, dry and free from grease and other contaminants.
BARE WOOD: Sand smooth and wipe clean. Apply one coat of wood primer and 1-2 coats of undercoat before application of the finish.
BARE METAL: Ensure the surface is free from surface rust. Apply one coat of metal primer and 1-2 coats of undercoat before application of the finish.
PREVIOUSLY PAINTED SURFACES: Remove any flaking or blistered paintwork and prime and undercoat any exposed substrate. Special precautions should be taken during surface preparation of pre 1960's paint surfaces as they may contain harmful lead.

APPLICATION:
Read Health and Safety information before use.
Stir well before use.
Sand the undercoat smooth with 320-400 grade wet or dry paper.
Apply 1-2 coats in dry well-ventilated conditions.
When applying by roller, smooth off with a pad or brush.
Avoid applying late in the evening as condensation can cause a loss of gloss.

Health and Safety Information

Anypaintco Gloss Paint
Flammable
Keep out of reach of children
Do not breathe vapour/spray
If swallowed seek medical advice immediately and show this container or label
Use only in well ventilated areas

Anypaintco
Any Street
Anytown
Any Region
Any Country
Telephone 0123 456789

500 ml e

5 021905 290964

BRAND
COMMERCIAL
CORPORATE
INFORMATION

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500 ml e

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Annex 2